

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EFRAIN SOTO,

Plaintiff,

DECISION AND ORDER

03-CV-6272L

v.

SHAWN/SHAUN KEENAN,
et al.,

Defendants.

On October 1, 2007, defendants filed a motion for summary judgment in this *pro se* civil rights action. By order entered October 10, 2007, the Court gave plaintiff until November 9, 2007 to respond.

On October 26, 2007, plaintiff filed a "Notice of Intent to Oppose Defendant's Summary Judgment Motion." Dkt. #58. In short, plaintiff indicates that he would like more time to respond to defendants' motion, though he has not requested any specific extension of his deadline to respond.


Although about two months have passed since the original deadline, I will grant plaintiff an additional thirty days to file a response to defendants' motion. **If plaintiff fails to respond to defendants' motion by filing sworn affidavits or other papers required by Rule 56(e), the Court will decide the motion based on the record before the Court, and the Court may accept as true the factual assertions contained in defendants' motion papers. PLAINTIFF'S**

COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF HE FAILS TO RESPOND TO DEFENDANTS' MOTION.

CONCLUSION

Plaintiff's request (Dkt. #58) for an extension of time to respond to defendants' motion for summary judgment (Dkt. #49) is granted. Plaintiff must file a response to defendants' motion no later than thirty (30) days after the date of entry of this Decision and Order.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 11, 2008.